

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

QUBIA PORTER,

Plaintiff,

ORDER

v.

CAPT. JUDD, et al.,

Case No. 20-cv-789-jdp

Defendants.

On August 27, 2020, I assessed plaintiff Qubia Porter \$0.74 as an initial partial payment of the \$350.00 fee for filing this case, which was due by September 17, 2020. Dkt. 4. On September 2 and 18, plaintiff filed two letters indicating that he currently does not have the means to submit the \$0.74 initial partial payment. Dkt. 6 and 8. I will construe plaintiff's submissions as a request for the court to waive the \$0.74 initial partial payment in this case. Using information for the relevant time period from plaintiff's trust fund account statement along with the supplemental letters plaintiff filed, it appears that plaintiff presently has no means with which to pay the filing fee or to make an initial partial payment. Under these circumstances, the court will grant plaintiff's motion for leave to proceed without prepayment of the filing fee, but will not assess an initial partial filing fee. Even if this court ultimately determines that plaintiff's complaint cannot go forward, plaintiff is advised that the full \$350 filing fee for indigent litigants remains plaintiff's obligation. *See* 28 U.S.C. § 1915(b)(2).

Because plaintiff is an inmate, plaintiff is subject to the Prison Litigation Reform Act, which requires the court to screen the complaint to determine whether any portion is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief from a defendant who is immune from such relief.

ORDER

IT IS ORDERED that,

1. The motion filed by plaintiff Qubia Porter for leave to proceed without prepayment of the filing fee is GRANTED.
2. No further action will be taken in this case until the court has screened the complaint as required by the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2). Once the screening process is complete, a separate order will issue.

Entered this 22nd day of September, 2020.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge